

**Rights of Way of the Town of Rockport**  
Minutes of the Meeting of July 28, 2014

*Approved*

**Rockport Town Hall**

Meeting called to order 7:00 PM, Tom Kerans presiding.

**Members Present:**

Matt Cegelis, Tom Kerans, Bill Mueller, Marcia Siegel, and Mary Devaney, Phil Morrow,

**Members Absent:** Jane Moginot, Jill Solomon

**Attendees:** Ted Tarr, Phyllis Krenn, Christina Wolfe, Zenas Seppala 92 Granite Street  
Susan Waller, 181 Granite Street

**Agenda:**

**Approval of June Minutes**

Minutes of meeting of June 23, 2014 reviewed and approved.

**Allocation of Mass Fisheries Grant Funds for Atlantic Path**

Chair Tom Kerans read the letter to the committee from ConCom regarding the proposed use of the New England Fisheries grant of \$3500 for the Atlantic Path. The ROW committee has identified three projects which can be afforded with grant funds. Chair Tom Kerans presented the projects with pictures of the sites to ConCom.

Proposed Projects:

1. Ramp needed \$800-\$1000
2. Stairs \$800-\$1000
3. Pine Avenue, 3-5 Point de Chene repairs to retaining wall \$800-\$1000

Any remaining funds will be used for signage on the Atlantic Path. Bill Mueller suggested that better signage and directions are needed for the path. Others agreed and this subject will be put on next meeting's agenda.

Motion to approve the proposed 3 projects, with contingent funds to be used for signage was passed unanimously.

**Cape Ann Tool Company including letter for comment period by 8/1**

Tom Kerans and Marcia Siegel attended the meeting which reviewed the proposed plans for the Cape Ann Tool Company property. The ROW Committee continues to be concerned about the failure of the developer to retain an ancient path, which assures public access to the rocks and coast. This path was included in the original plans and is protected under Chapter 91. Marcia read letter which she drafted for the ROW Committee to the Environmental Protection Waterways Regulation Program. Marcia and Tom were encouraged by Ben Lynch, Dept. of Environmental Protection Waterways Program Chief, to fight for retaining the historic path which runs to the end of Lot 14 on the developer's plans.

The site plan was reviewed once again by the ROW Committee and it was clear that the

historic path has been curtailed and the public will be forced to turn around at a parking lot.

The Committee deems this both unsatisfactory and unsafe. The curtailing of the path effectively reduces public access to the coast, thus defeating the intent of Chapter 91 under which the developer is seeking approval. The developer has opposed extension of the path past Lot 13 by claiming that it is a dead end, has low lighting, and will be frequented by "sketchy people". By "sketchy people", the developer is apparently referring to town residents and fishermen who have frequented the area for hundreds of years. Marcia's letter with revised plan addendum was approved unanimously.

Guest Susan Waller submitted a letter that she has written to the Environmental Protection Waterways Regulation Program which is supportive to the Committee's efforts. Both she and guest Zenas Seppala expressed appreciation to the committee for trying to protect historic public access.

### **Clarify status of memberships**

It was repeated that the Selectmen do not wish for the ROW Committee to have associate members.

It was suggested that interested persons could help the Committee by reactivating the Friends of Rights of Way, previously referred to as FORROW. Chair Tom Keranss was recently informed by Bruce Franklin, Ann Sheinwald's son, that a bank account at Rockport National Bank contains \$3900 of FORROW funds. The Sheinwalds' attorney is attempting to straighten out the details and will notify Tom of his progress. The identification of volunteers and reactivation of FORROW will be put on next month's agenda.

### **Purchase, storage and access of tools**

Matt Cegelis presented a list of tools purchased for a total of \$955.43. Committee members expressed their appreciation for his work and their enthusiasm for future use of the tools. Various storage options were discussed. It was agreed that space with the DPW would be the ideal solution. Phil and Tom will approach pursue this.

Bill Mueller showed ROW completed trail markers which were purchased for \$500.

### **Police reports**

The missing Old Garden Path sign has been replaced with a sign which reads Public Foot Path. The original sign has disappeared. Speculation is that the original was rusted and so removed by the DPW. Discussion revealed dissatisfaction with signs with specific path names being replaced by generic public foot path signs. Apparently, this has also been done at Flat Rock and Andrews Point. No one knows why these actions have been taken without consulting our Committee.

Matt reported the painting on town rocks at 7 Point de Chene. to the police. They reported back that the contractor denied doing it. This seems unlikely as the paint marks the property line on each side and at the low water mark. It matches other paint which is

being used on the property. Marcia suggested asking the town administrator to write a letter to the property owner reiterating regulations forbidding defacement of town rocks. The paint marks and other unauthorized markings on the Atlantic Path are confusing, especially to those unfamiliar with the route. Matt and Phil will prepare a letter and documentation to help the town administrator address this problem.

Matt showed a picture of painted graffiti at the Headlands. There is similar defacement of public property in the town watershed at Pigeon Cove. There was discussion as to how the paint can be removed; what the police can do to enforce laws; what action the DPW can take. The Committee considers the despoiling of Rockport's natural beauty a serious problem.

### **Trail clearing/maintenance**

Matt suggested that scheduling trail clearing and maintenance would be greatly simplified if we had a detailed spreadsheet. He volunteered to create one.

Ted Tarr expressed the need for creation of a new trail at the South End water tower. A new house has been built blocking the old trail. The owner agreed to a rerouting of the trail around her house.

An additional problem was reported at Lane's Farm Way. Ken Lane has put a permanent gate across with a no trespassing sign across the road. This means that town land is no longer accessible. It also blocks the way to Essex Greenbelt conservation land. Apparently, there was access through Jerden's Lane at one time, but Ted Tarr says this has been built upon. This requires action by the Town Administrator.

## **25 Dock Square**

Christina Wolfe reported that a lawsuit which has been going on for eight years to declare a wharf which is part of Old Harbor but belongs to 25 Dock Square to be a Ch. 91 protected zone. This has now been confirmed by the Court of Appeals and the owner has not appealed the decision. A Chapter 91 protected zone is defined as an intertidal zone accessible to the public for fishing, fowling, and navigation. Town Administrator Linda Sanders has been presented with a copy of the decision. Owner Wendy Stone Ashe has also put a huge white stair covering the historic granite steps in the wharf, which violates an easement with the Town which mandates that the wharf has to be accessible to the public and to emergency vehicles. This is also of concern to the Historic Commission.

Ted Tarr stated that Christina, the Harbor Access Group, and Laura deserve a special thanks for protecting this historic path. She took the initiative and received no help from the town.

**Next Meeting: Monday August 25, 2014**  
**Town Hall Conference Room A, 7:00 PM**

Meeting adjourned at 9:20 PM.

Respectfully submitted,  
Mary Devaney